

IPSWICH PLANNING BOARD MEETING MINUTES

Thursday, May 5, 2016, 7:30 p.m.

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, May 5, 2016 in Room A, 2nd floor of Town Hall. Board members Heidi Paek, Jay Stanbury, Keith Anderson, Kathleen Milano and Cathy Chadwick and Associate member Carolyn Britt attended. Senior Planner, Ethan Parsons also attended.

Paek convened the meeting at 7:30 pm with a quorum present.

Citizens' Queries:

None

Approval Not Required Plan, Parcels A & B Herring Way, 74 North Ridge Road

This is a transfer of land at 74 North Ridge Road. The subdivision control rules do not apply.

Stanbury moved to endorse the ANR plan. Anderson seconded. The motion passed unanimously.

Documents:

- 74 Northridge application form, filed 4/20/16
- Plan of Land, prepared by Donohoe Survey, Inc., 3/17/16

Adopt Minutes of February 25, 2016 meeting

Britt pointed out typographical errors: at the bottom of page 4 it should read "Paek read the legal notice"; it should read "elm tree" instead of "oak tree" on page 3; and at the top of the last page the motion should be in italics.

Anderson moved to approve with the changes discussed. Milano seconded. The motion passed unanimously.

Documents:

- Draft Planning Board meeting minutes of 2/25/16, prepared 4/22/16

45 Turkey Shore Road Special Permit follow up

William McCarthy and Ron Sheehan appeared before the Board. They noted that there are two conditions (7A & 7B) to be followed up on with this special permit, which relate to the Board's requiring endorsement of a modified site plan showing a fence and property boundary markers, as well as a driveway improvement plan. It was explained that the driveway improvement plan includes digging a trench roughly 3 feet wide running the entire length of the driveway between 43 and 49 Turkey Shore Road. The contractor will then grade the entire road and put down a "pac" (gravel road base). Stanbury asked if driveway edging will be installed. No edging is proposed. McCarthy and Sheehan pointed out that the site plan includes the property boundary monuments and the proposed fencing along the northern and eastern property lines. The monuments will consist of a granite stake that will be flush with the ground when the driveway is redone. The site plan includes fencing that the Board found to be consistent with what was expected. Parsons stated that he discussed the proposed driveway improvement plan with

the Department of Public Works and they expressed no concerns about the plan. Sheehan explained that they will try to relocate the sewer manhole onto the McCarthy's property.

Stanbury moved to approve the driveway improvement plan and the fencing and monument plan provided that the manhole is moved to the McCarthy's property, and thereby condition 7 of the decision is satisfied. Milano seconded. The motion passed unanimously.

Documents:

- *March 20, 2016 letter to Planning Board from Ron Sheehan*
- *Ben-Pac description and examples*

Continued Public Hearing: Request by Kathleen M. Rhodes and Nicole M. Linehan for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 51 Heartbreak Road (Assessor's Map 54D, Lot 13), which is located in the Rural Residence A District, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

Richard Kallman, attorney for the applicants, and Nicole M. Linehan, applicant, appeared before the Board. Stanbury said he thought the site visit went well and he observed nothing concerning about the site. Paek stated that the project appears to be consistent with the intent of the bylaw as the proposed changes are all interior.

Kallman proposed changes to the draft decision, noting questions about the affordability-related restriction that would apply were the unit to be vacated by family members of the applicants. He suggested that this part should be simplified and the owner/applicant has concerns about the restrictions. The Board discussed amending condition 6 so that family members more inclusive than immediate family members, could occupy the dwelling. There being several questions about the language in the decision, the Board and applicant decided to continue the hearing.

Chadwick moved to continue the public hearing. Stanbury seconded. The motion passed unanimously.

Documents:

- *Draft decision, prepared for Planning Board consideration at 5/5/16 meeting*

Continued Public Hearing: Request by Field of Diamonds, LLC for a special permit and site plan review for the construction of a new building to be occupied by a retail establishment selling motor vehicle parts and accessories at 80 Turnpike Road (Assessor's Map 27C, Lot 20B), pursuant but not necessarily limited to *Sections V.D, VI.B, X and XI.J* of the Zoning Bylaw.

Michael Dryden, Bohler Engineering, appeared before the Board to discuss the project. The applicant and Board have received review comments from Cammett Engineering. Dryden stated that the Board of Health is reviewing the project and there are no major issues with the septic system. Paek noted that the Board has the authority to grant two wall signs and they will proceed with the draft decision.

Chadwick moved to close the public hearing. Stanbury seconded. The motion passed unanimously.

Parsons read the draft decision. Anderson pointed out that in the footer on page 2 there is an incorrect address and date. The applicant would like to be able to do interior work outside of the construction hours because they are under a deadline to deliver this building to the end user. This was discussed and the Board agreed to allow more time for interior-only work. Britt said under condition 9 there is no mention of using herbicides and pesticides sparingly and she felt this should be included. Condition 14 would be expanded to say exterior lighting beyond what is required for safety would be diminished when the establishment is closed to the public.

Milano moved to approve the special permit and site plan review decision as discussed. Anderson seconded. The motion passed unanimously.

Documents:

- *Draft decision for 80 Turnpike Road, prepared 5/5/16*
- *Memorandum from Cammett Engineering to Planning Board, Re: O'Reilly Auto Parts, dated 4/5/16*
- *Letter from Bohler Engineering to Planning Board, dated 4/13/16*
- *Memorandum from Cammett Engineering to Planning Board, dated 4/26/16*
- *Site Development Plans, prepared by Bohler Engineering 2/17/16, revised 4/13/16, 4/27/16*
 - o *CT1 of 2, Cover Sheet*
 - o *CT2 of 2, General Notes Sheet*
 - o *D1 of 1, Site Demolition Plan*
 - o *C1 of 7, Site Grading and Drainage Plan*
 - o *C2 of 7, Site Development Plan*
 - o *C3 of 7, Site Development Details*
 - o *C4 of 7, Erosion and Sediment Pollution Control Plan*
 - o *C5 of 7, Erosion and Sediment Pollution Control Details*
 - o *C6 of 7, Site Utility Plan*
 - o *C7 of 7, Drainage and Utility Details*
 - o *L1 of 3, Landscape Plan*
 - o *L2 of 3, Landscape Details*
 - o *L3 of 3, Irrigation Coverage Plan*
 - o *SL1 of 1, Site Lighting Plan*
- *Stormwater Operation and Maintenance Plan, revised 4/27/16*
- *A3, Exterior Elevations, prepared by Buddy Webb Architect, 4/20/16*

Continued Public Hearing: Request by J&K Realty Trust for a special permit for a multifamily use and modification of a site plan approval for the addition to a mixed use building and related site development at 195 and 199 High Street (Assessor's Map 21, Lot 7A & 93), which is located in the Highway Business Zoning District and Water Supply Protection District, pursuant to but not limited to Sections V, X and XI.J, of the Zoning Bylaw.

Continued Public Hearing: Request by J&K Realty Trust for a special permit for a multifamily use and modification of a site plan approval for the addition to a mixed use building and related site development at 195 and 199 High Street (Assessor's Map 21, Lot 7A & 93), which is located in the Highway Business Zoning District and Water Supply Protection District, pursuant to *Section IX.C* of the Zoning Bylaw for rendering more than 20% of the lot impervious.

Jim McDowell, applicant's engineer, appeared before the Board. There were major changes to the storm drainage system as a result of Cammett Engineering's recommendation. McDowell said the storm water

system will improve existing conditions. Paek noted that the proposed planting still looked pretty sparse. McDowell explained they are working with a fairly narrow area but maybe they could also include some grasses to soften the appearance of the building. Chadwick noticed there is a lot of signage that is distracting and could be dangerous as one turns into the lot. McDowell explained that there is a generator on site for when the power is out and the pumps needed for the stormwater system need power. The owner has not had any issues with this scenario yet. Anderson asked what would happen if the building were to change hands. The applicant recommended recording a deed restriction specifying their storm water operations and maintenance responsibilities. Paek stated she prefers a wood rather than a vinyl fence. She would also like to see a rendering of what the addition would look like. Stanbury noted the plan shows a 4 inch water main. It was explained that was existing and they are not mixing the systems. The new system will have a 6 inch pipe. Stanbury noted that lighting specifications have not been provided. The applicant will provide the lighting specs. Parsons said Vicki Halman, Water and Wastewater Division Manager, indicated that she and the Water Commissioners Subcommittee were satisfied with the project and she anticipated sending the Board a memo. Paek requested that the applicant and Board extend the Board's review period and continue the hearing to June 6th. The applicant agreed.

Chadwick moved to continue the public hearing. Anderson seconded. The motion passed unanimously.

Documents:

- *Memorandum from Cammett Engineering to Planning Board, dated March 20, 2016*
- *Letter from Morin Engineering to Ethan Parsons, Re: 199 High Street*
- *Site Development Permit Plan, prepared by Clayton Morin, PE 2/3/16, revised 3/28/16*
 - o *Sheet 1, Index Map*
 - o *Sheet 2, Existing Conditions Plan, rev. 2/23/16*
 - o *Sheet 3, Site Layout Plan*
 - o *Sheet 4, Site Grading Plan*
 - o *Sheet 5, Site Grading & Utility Plan*
 - o *Sheet 6, Landscape Plan*
 - o *Sheet 7, Stormwater Details*
 - o *Sheet 8, Site Detail Plan*
- *Memorandum from Cammett Engineering to Planning Board, dated 4/28/16*
- *Email from Deny Hamel of Cammett Engineering to Ethan Parsons and Vicki Halmen, sent 5/2/16*

Continued Public Hearing: Request by Frederick Scopa for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 44 Brownville Ave. (Assessor's Map 41B, Lot 29), which is located in the Intown Residence District, pursuant to *Section IX.P* and *XI.J*, of the Zoning Bylaw.

Paek explained that the applicant had sent the Planning Board a letter and this was discussed. The applicant believes they have met every requirement in accordance with the bylaw and abutter's concerns. Paek said it was very important for the Board to only take into consideration the plans and not any personal problems abutters may have with applicants. Mr. Scopa explained that he did not want to spend money on a drainage plan unless he knew it would lead toward approval. Paek explained that it is difficult to decide on this project without understanding the drainage. She is unwilling to state an opinion as to how she might ultimately vote without having all the required information. Ken Savoie, architect, said that they did reach out to staff after the last meeting for help understanding the Board's objections. He said that the objections seem vague. Paek stated that her main concern is the bylaw indicates there should

not be a substantial visual impact to abutters. She said that in this neighborhood, where the properties are small, this project substantially alters the view. Her other issue is that in terms of neighborhood character, this proposed third unit on a lot would not be consistent with neighborhood character of single family houses. Also, since abutters are concerned about drainage being an issue and it is a known issue in the area that they need a drainage study. Savoie felt the new building is similar in shape, size and form to what is existing. They feel justified in moving the building for many reasons previously stated. Stanbury said he is a proponent of providing more residential units in town but he feels that what is presented alters the area substantially. The other problem is the intent of the bylaw is to convert existing buildings, which this doesn't do. Savoie said there are provisions in the bylaw that justify a reconstruction and moving the building allows for an improved parking layout.

William Carey, 35 Broadway: has concerns because he never saw a new plan prior to this meeting. The rear property is his, and no matter where this building is placed he is an abutter. He has concerns about the retaining wall and drainage. Any water will get trapped behind it and run into his property. He would like to see dimensions on the size of the building because he believes the new building is taller than previously presented. He also expressed concerns about looking at a parking lot and headlights shining into his residence at night. Scopa said he did not believe this would be the case because of proposed landscaping along their property line. Paek asked if there was something that would make Carey support the project. He said he did not like the bylaw but if the Board were to approve the project he felt the footprint should not be changed.

John Gianakakis, 37 Broadway Ave: He felt moving the house would separate it more from one house but move it closer to the other abutters. This would change his views dramatically. He is upset that people come into the neighborhood and change these garages.

Kathleen Spinale, 27 Pleasant Street: Stated that this issue went four times in front of the Affordable Housing Trust and in June of 2015 they asked for \$10,000 upfront and \$25,000 if he sells in the next 5 years. She said that abutters were not aware of these meetings. Paek explained that the Board doesn't have to use the same figures as the Trust and that abutters do not need to be notified of these meetings, like they do for Planning Board meetings. Spinale feels this is a demolition and should appear before the ZBA. The Planning Board said that they have the purview over this request. Spinale has problems that the bylaw is not being followed. Spinale is worried about this setting precedent.

Joe Sammon, 47 Brownville: Stated that the Board has asked for a drainage plan and this has not been provided.

Anderson explained that his preference is for more affordable units in town instead of payments in lieu of providing affordable units. Anderson stated he is opposed to this project because it significantly changes the character of the area. He stated that he has problems with the demolition of the accessory building. He would also like to look at the map to how close the building is moving to Gianakakis property, suggesting it may be moving too close. He said he also has to see drainage plans but feels that regardless of the drainage issues this would be a dramatic change to the neighborhood. Savoie said the only building they are getting closer to is Mr. Gianakakis' garage. Paek said that Gianakakis' view would change significantly.

Sammon says he will be viewing a parking lot if this is approved so this will significantly alter his view as well. Chadwick feels like this is stretching the limits of the bylaw and there are too many issues that

have come up that are mostly associated with not having drainage information and moving the structure. She feels that the intensity of development on this lot is not going to fit in this neighborhood. Paek explained that the Board has concerns about the density of units on this lot regardless of the location of the building. Savoie felt these opinions should have been presented sooner. Paek stated that the Board took this matter seriously and listened to what the applicant and abutters had to say. She also felt the Board had been specific about reservations all along. Stanbury said he didn't have a problem with unit density, there are too many other issues including reduced green space, altering abutters views and other impacts on the neighborhood. He feels the Board has to go through an important process before coming to a decision.

Parsons reminded the Board and applicant that the Board may approve or deny the application and the applicant may withdraw his application without prejudice. Scopa asked to withdraw without prejudice and submitted a written request to do so to the Board.

Chadwick moved to close the public hearing. Stanbury seconded. The motion passed unanimously. Stanbury moved to accept the request to withdraw the application. Milano seconded. The motion passed unanimously.

Documents:

- Letter from Frederick Scopa to Planning Board, dated 5/3/16
- Proposed Site Plan, Sheet S1, prepared by savoie nolan Architects, 2/25/16, revised 4/13/16
- Existing Conditions Photos, Sheets E2 and E3, dated 1/27/16
- Architectural Plans, prepared by savoie nolan Architects, 2/1/16
 - o A1, Accessory Apartment Floor Plan
 - o A2, Accessory Apartment Exterior Elevations
 - o A3, Accessory Apartment Exterior Elevations
 - o A4, Car-port & Accessory Apartment Perspective Elevations
 - o E1, Existing Garage Floor Plan & Elevations
 - o Abutter Map & Zoning Map

Continued Public Hearing: Request by Jonathan & Nicole Robie for a special permit and site plan approval for a 10-unit multifamily development at 48 Market Street (Assessor's Map 42A, Lot 201), which is located in the Central Business District, pursuant but not limited to *Sections V, VI.B and Footnote 11, X and XI.J*, of the Zoning Bylaw.

Richard Griffin, architect, appeared before the Board to discuss the project. He noted that Cammett Engineering is reviewing the application. He presented an animated rendering of the proposed development. Griffin described site changes, including the placement of HVAC units and transformers.

Milano asked if the DRB had seen this and it was confirmed that they had. Chadwick asked about the exterior materials. Griffin stated the building will have hardy plank board siding. He explained the maneuvering aisles all meet the 24-foot standard width. In the back of the lot they have over 30 feet to maneuver. Britt said she is not overly fond of the cupola feature and she asked what function it serves. It was explained it lets light into the loft area and it also adds visual interest to the building. Britt said it appears to be a Victorian feature intended to tie the existing building into character of the existing building. Britt noted that the dormer windows would not be easily accessible. Griffin said the DRB preferred the dormers and they have left them on the drawings. Milano also felt they looked out of place.

Stanbury said he did not mind them because they break up the roof line. Paek agrees that they break up the roof line but said she hopes the applicant takes the comments as feedback. Paek noted that the applicant will need to obtain the approval of the Board of Selectmen to remove a parking space on Market Street in order to widen the driveway. The applicant has submitted a letter to the Selectman about eliminating the parking space and was told that if they get a hearing it would be at the end of June or the beginning of July. Parsons said he is awaiting a recommendation from the Fire Chief but he wants to make sure the Chief bases his recommendation on the most current plan. He reiterated that if the Board is inclined to approve the project it would be necessarily be conditioned on eliminating the Market Street parking space. The Affordable Housing Partnership and Trust Board consensus was that they support the proposed payment for \$15,000 in order to satisfy footnote 11 of Section 6. Paek said she was pleased the affordable unit would float.

Milano moved to continue the public hearing. Chadwick seconded. The motion passed unanimously.

Documents:

- 48 Market Street animation, prepared by Richard Griffin Architects
- Tree and Lighting Specifications, prepared by Richard W. Griffin, 3/31/16
- Stormwater Management Report, prepared by John Judd, PE, 4/15/16
- Site Plan, prepared by John Judd, PE, 3/31/16
- Details and Sections, prepared by John Judd, PE, 3/31/16
- Architectural Plans, prepared by Richard W. Griffin, 5/1/16
 - o DD-100 Landscape and Lighting Plan
 - o DD-101 Landscape and Lighting Plan Parking Level
 - o DD-102 Site Sections
 - o DD-103 Design Plans and Sections
 - o DD-104 Design Elevations
 - o DD-105 Building Elevation Details
 - o DD-107 3D Design Views

General Business:

Paek wanted to propose a separate meeting to discuss the Community Development Plan and potential zoning amendments for Special Town Meeting. The Board agreed to meet on May 23 at 5:30 PM.

The potential zoning amendments were discussed. Glenn Gibbs wrote a memo stating he does not believe they should do something with the accessory structure conversion bylaw. Parsons said he is aware of issues with this bylaw but noted that because the Board is taking on other important amendments it may be best to address them in the future. Anderson felt the intent of the conversion bylaw is good but he feels this really needs to be studied. Milano agreed with Anderson. Parsons said he was invited to go to the Selectmen's June 6th meeting to give an outline of the amendments being considered. The Board discussed having individual meetings with staff on the bylaws they are assigned to prior to May 23rd.

Documents:

- Memorandum to Planning Board Re: Outline of Potential Zoning Amendments, dated 5/5/16

Parsons informed the Board that he had received the plans for the Ipswich Junction/114-116 County Road project and the Board should vote to endorse the plan. The Board voted to endorse the plans and authorize Glenn Gibbs to sign them on its behalf.

Adjournment Motion: *Chadwick moved to adjourn the meeting at 10:47 PM. Milano seconded. The motion passed unanimously.*

Respectfully submitted,

Jennifer Dionne

The Board approved these minutes on July 21, 2016